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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/451,592	11/30/1999	KRISHNA MANGIPUDI	20496/2	9253

7590   08/11/2003

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ART UNIT	PAPER NUMBER
2155	/1

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/451,592	MANGIPUDI ET AL.
	Examiner	Art Unit
	Thu Ha T. Nguyen	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 May 2003* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-16 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-5, and 9-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Bhoj et al** (hereinafter Bhoj) U.S. Patent No. **6,304,892**.

4.   Regarding claim 1, **Bhoj** discloses a method comprising steps of:

defining classes of back-end servers (see figures 2, 5, NEWS SERVERS, E-

MAIL SERVERS, WEB SERVER FARM ,col. 9 lines 19-col. 10 lines 7);

defining a set of parameters to be measured for each of said classes back-end

servers (col. 4 lines 39-col. 6 lines 14, col. 6 lines 63-col. 10 lines 7);

defining acceptance levels for each of parameters in said set of parameters (col.

5 lines 65-col. 6 lines 61, col. 7 lines 22-col. 10 lines 7);

collecting real-time information related to measurement of said parameters (col.

11 lines 24-40 and col. 15 lines 7-18);

comparing said acceptance levels to said real-time information (col. 11 lines 41-

54); and

generating report (see figure 7, col. 14 lines 39-44 and col. 15 lines 25-30).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Bhoj** implicitly discloses the service management system 31a-33a defines or selects classes of back-end server (e.g., payroll, printing, e-mail server host) based on the data service components being managed (e.g., e-mail, printing...) (see figures 1-2, 4-5, NEWS SERVERS, E-MAIL SERVERS, WEB SERVER FARM, col. 9 lines 19-col. 10 lines 7) equivalent to the step of defining classes of back-end server that disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Bhoj** performs the same function in substantially the same way to reach substantially the same result.

5.   Regarding claim 2, **Bhoj** discloses providing a format in which a set of servers will provide information to be measured (cols. 9-10 lines 62-7); and implementing means for collecting said information (col. 11 lines 29-35).

6.   Regarding claim 3, **Bhoj** discloses generating a database entry for each service commitment element of a service level agreement (cols. 11-12 lines 66-6).

7.   Regarding claims 4 and 12, **Bhoj** discloses the set of parameters to be measured is selected from the set consisting of records of performance, transactions, errors, client IP address, username, date, time, service, server name, server IP address, processing time, bytes sent, bytes received, service status, operation, target URL, User Agent, referrer parameters, and cookie (cols. 8-9 lines 38-24).

8.   Regarding claims 5 and 13, **Bhoj** discloses the real-time information

collected further includes information selected from the group consisting of assigned

disk space, that the user can access, how the user's request is fulfilled within the

system or web farm, user's subscribed level of service or class, transaction, number of

requests, download size, file size, file type, time of day, week or month, response time

of the back end servers', response time of the web farm, and how long it takes to

complete a specified request or file (col. 9 lines 25-52).

9.   Regarding claim 9, **Bhoj** discloses a method comprising steps of:

defining classes of back-end servers (see fig. 2, NEWS SERVERS, E-MAIL

SERVERS, WEB SERVER FARM) (col. 7 lines 14-21);

selecting a set of service parameters to be monitored (col. 12 lines 61-67);

creating a database of said set of monitored service parameters (cols. 11 lines 5-

6); and

preparing reports and/or alarms according to the defined classes and selected

service parameters (col. 14 lines 39-44 and col. 15 lines 25-30).

It would have been obvious to one of ordinary skill in the Data Processing art at

the time of the invention was made that **Bhoj** implicitly discloses the service

management system 31a-33a defines or selects classes of back-end server (e.g.,

payroll, printing, e-mail server host) based on the data service components being

managed (e.g., e-mail, printing...) (see figures 1-2, 4-5, NEWS SERVERS, E-MAIL

SERVERS, WEB SERVER FARM, col. 9 lines 19-col. 10 lines 7) equivalent to the step

of defining classes of back-end server that disclosed in the applicant's specification. A

person of ordinary skill in the art would have recognized that **Bhoj** performs the same

function in substantially the same way to reach substantially the same result.

10.   Regarding claim 10, **Bhoj** discloses a graphical user interface (see fig. 10,

col. 14 lines 39-44).

11.   Regarding claim 11, **Bhoj** discloses preparing reports and /alarms (col. 15

lines 25-34).

12.   Regarding claim 14, **Bhoj** discloses service-level commitments include

metrics (col. 13 lines 15-19).

13.   Regarding claims 15 and 16, **Bhoj** discloses defining classes of back-end

servers (see fig. 2, NEWS SERVERS, E-MAIL SERVERS, WEB SERVER FARM) (col.

7 lines 14-21).

14.   Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Bhoj et al** (hereinafter Bhoj) U.S. Patent No. **6,304,892**, in view of Fletcher et al.,

(hereinafter Fletcher) U.S. Patent No. **6,269,401.**

15.   Regarding claim 6, **Bhoj** discloses an apparatus comprising:

at least one class of back-end servers (figures 1-2, 4-5, see fig. 2, NEWS

SERVERS, E-MAIL SERVERS, WEB SERVER FARM, col. 9 lines 19-col. 10 lines 7)

and reporter (figure 7);

a network connecting said at least one said class of back-end servers and a

reporter (figures 1-2, 4-5, 7 NEWS SERVERS, E-MAIL SERVERS, WEB SERVER

FARM, col. 9 lines 19-col. 10 lines 7);

a collection processor measuring and collecting a set of defined parameters for

each of said at least one class of back-end servers (cols. 5-6 lines 65-34 and col. 7 lines

22-col. 10 lines 7, col. 11 lines 24-40 and col. 15 lines 7-18).

However, **Bhoj** does not teach a set of acceptance levels corresponding to said

collected parameters, a monitoring processor determining which of said collected

parameters exceed a corresponding acceptance level, and a reporting process that

produces a report results of said monitoring processor. **Fletcher** teaches a set of

acceptance levels corresponding to said collected parameters (fig. 3 col. 6 lines 26-34,

col. 8 lines 7-col. 9 lines 30, col. 22 lines 67-col. 23 lines 7, col. 23 lines 55-col. 26 lines

65); a monitoring processor determining which of said collected parameters exceed a

corresponding acceptance level (col. 23 lines 16-col. 25 lines 39); and a reporting

process that produces a report results of said monitoring processor (col. 25 lines 27-37).

It would have been obvious to one of ordinary skill in the Data Processing art at the time

of the invention to combine the teachings of **Bhoj and Fletcher** to have a set of

acceptance levels corresponding to said collected parameters, a monitoring processor

determining which of said collected parameters exceed a corresponding acceptance level, and a reporting process that produces a report results of said monitoring processor because it would have an efficient communication system that can monitor a communication network and enable to detect a problem and determine the cause of the problem and report to the network manager.

16.   Regarding claim 7, **Fletcher** teaches monitoring a set of defined parameters and logging them into respective log files (col. 6 lines 40-43); scheduler triggering said reporter to begin collection of log files from a list of back-end server (col. 8 lines 735); an accumulator requesting log files from the intelligent agent of each listed backend server and consolidating the log files into a database (cols. 24-25 lines 51-26); an interface mechanism between said accumulator and each of intelligent agent (figures 3, 8, col. 24 lines 51-col. 25 lines 39), said interface mechanism ensuring that each requested log file is completely transferred to the accumulator prior to starting consolidation (col. 25 lines 3-26).

17.   Regarding claim 8, **Fletcher** teaches keeps track of which portions of said log files have been transferred (col. 24 lines 29-50).

Conclusion

18.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen whose telephone number is (703)

305-7447. The examiner can normally be reached on Monday- Friday, 8:00AM –

5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 746-7239

for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Thu Ha Nguyen

August 4, 2003

HOSAIN T. ALAM
PRIMARY EXAMINER